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Fresno, California

January 24, 2006

The City Council met in regular session at the hour of 8:30 a.m. in the Council Chamber, City Hall, on the day above written.

Present:	Tom Boyajian	Councilmember
	Brian Calhoun	Councilmember
	Mike Dages	Councilmember
	Henry Perea	Acting President
	Cynthia Sterling	Councilmember
	Larry Westerlund	Councilmember
	Jerry Duncan	Council President

Bruce Rudd, Assistant, City Manager
Hilda Cantu Montoy, City Attorney
Becky Klisch, City Clerk
Yolanda Salazar, Assistant City Clerk

Reverend Bruce McAlister of Saints Community Church of God in Christ gave the invocation, and Councilmember Calhoun led the Pledge of Allegiance.

PROCLAMATION OF "EDWARD STACY DAY" - COUNCILMEMBERS BOYAJIAN AND STERLING

Read and presented.

PROCLAMATION OF "ROBERT BURNS RECOGNITION DAY" - COUNCILMEMBER CALHOUN

Proclaimed by Councilmember Calhoun who spoke to Mr. Burns' life.

APPROVE MINUTES OF JANUARY 10, 2006

On motion of Councilmember Sterling, seconded by Councilmember Westerlund, duly carried, RESOLVED, the minutes of January 10, 2006, approved as submitted.

COUNCIL MEMBER REPORTS AND COMMENTS:

(1) THANK YOU TO CITY OF FRESNO, HUMAN RELATIONS COMMISSION, AND THE MARTIN LUTHER KING UNITY COMMITTEE FOR EVENTS HELD THIS PAST WEEKEND, AND TO CLOVIS POLICE CHIEF ZULIM AND HIS COMMITTEE FOR HOSTING THE MLK BREAKFAST EVENT; (2) REQUEST CITY MANAGER LOOK INTO LETTER RECEIVED FROM BUS RIDER DOREEN COLE EXPRESSING VARIOUS CONCERNS; (3) REQUEST CITY MANAGER AND AGENCY EXECUTIVE DIRECTOR LOOK INTO LETTERS DATED 12/5/05, RECEIVED BY DR. ANTONIO AVALOS, CSUF ECONOMIC DEPARTMENT AND FRANCES CIVIC REQUESTING INFORMATION ON FINANCIAL TRANSACTIONS WITH THE RDA; AND (4) PASSING OF WEST FRESNO BUSINESS OWNER ZELMA HUNT, MOTHER OF BARBARA HUNT, AND FAMILY'S REQUEST THAT COUNCIL MEMBERS ATTEND FUNERAL SERVICES - COUNCILMEMBER STERLING

Thank yous extended and requests/announcement made.

(1) NEED TO ADDRESS TRUCKS PARKING ON EISENHOWER (FREEWAY 41) OVERPASSES WITH ADVERTISEMENTS; (2) ACTION TAKEN BY THE CITY OF OAKLAND THROUGH CALTRANS ON HIGHWAY LITTERING AND NEED FOR FRESNO TO PARTNER WITH CALTRANS ON THE SAME ISSUE; AND (3) REQUEST FOR UPDATE ON PROCESS TO REPLACE THE CITY ATTORNEY - COUNCILMEMBER CALHOUN

Councilmember Calhoun (1) expressed his concern with the trucks stating it was a safety issue/distracted and added he appreciated the public works director's efforts to resolve the issue with Caltrans who has jurisdiction; (2) stated Fresno needed to do what Oakland did and read portions of a Los Angeles Daily Journal article into the record and added the city should partner with Caltrans in this effort to make the city look better; and (3) upon his question President Duncan advised a committee meeting was set for this week and they would report back next week with a recommended process.

CONCERN WITH RECENT NEWSPAPER ARTICLE ON THE NO NEIGHBORHOOD LEFT BEHIND (NNLB) "PAVE OFF" PROJECT - COUNCILMEMBER DAGES

Councilmember Dages expressed his concern noting the article stated the pave-off was over yet a project in his district never got started and elaborated further on the issue stating this was an embarrassment, with Assistant City Manager Rudd responding. President Duncan requested staff provide Council with an updated NNLB schedule with anticipated project start dates.

REQUEST FOR UPDATE IN TWO WEEKS ON IMPLEMENTATION/PROGRESS OF THE GREEN BUILDING POLICY AND THE PUBLIC ARTS POLICY - ACTING PRESIDENT PEREA

Request made.

(1) INTRODUCTION OF DISTRICT 3 INTERN CHRISTOPHER VINCENT, AND (2) NO NEIGHBORHOOD LEFT BEHIND PROJECT - COUNCILMEMBER STERLING

(1) Introduction made, and (2) Councilmember Sterling advised city crews finished the NNLB projects in her district and all were completed on time.

(1) THANK YOU TO ROTARIANS FOR THE WEST FRESNO BOYS CLUB PROJECT; AND (2) NO NEIGHBORHOOD LEFT BEHIND PROJECT - COUNCILMEMBER BOYAJIAN

(1) Thank you extended, and (2) Councilmember Boyajian also expressed his concern with NNLB stating a project in district that was supposed to have started on July 1st never got started and stated city crews should do the work.

(2:45 P.M.) REGULATION OF VICIOUS AND DANGEROUS DOGS

President Duncan advised the matter was scheduled to be heard at 2:45 p.m. and not at 9:00 a.m. as incorrectly reported in the news by Channel 47.

APPROVE AGENDA:

(9:15 A.M. "A") AUTHORIZE THE PURCHASE OF LAND AND BUILDING OF THE FRESNO COUNTY ECONOMIC OPPORTUNITIES COMMISSION (EOC) NEIGHBORHOOD YOUTH CENTER/GYMNASIUM UTILIZING \$3.3 MILLION OF NON-QUIMBY PARK IMPACT FEES

1. RESOLUTION - 59TH AMENDMENT TO AAR 05-286 APPROPRIATING \$3.3 MILLION IN UGM PARK CITYWIDE FACILITY FEES FOR THE EOC YOUTH CENTER PROJECT

Removed from the agenda at the request of staff/to be rescheduled.

On motion of Councilmember Dages, seconded by Councilmember Westerlund, duly carried, RESOLVED, the **AGENDA** hereby approved, as modified, by the following vote:

Ayes : Boyajian, Dages, Calhoun, Perea, Sterling, Westerlund, Duncan
Noes : None
Absent : None

147-19

1/24/06

ADOPT CONSENT CALENDAR:

Councilmember Calhoun pulled Items **1-F** and **1-R** and Councilmember Westerlund pulled Items **1-E** and **1-Q** from the Consent Calendar for discussion/action at 2:00 p.m. Councilmember Boyajian registered "NO" votes on Items **1-G** and **1-M**.

Relative to Item **1-P**, Labor Relations Manager Phillips advised of a correction to Page 2/Paragraph 5b of the MOU, changing the language "vacation hours above 400 hours" to "vacation hours up to 400 hours.

(1-A) APPROVE A ONE-YEAR AGREEMENT WITH "THE RUB CLUB" PARTNERS SHELBY STRATEGIER AND ALI HAMZAVI TO CONTINUE TO OFFER MASSAGE SERVICES AT THE FRESNO YOSEMITE INTERNATIONAL AIRPORT WITH TWO ONE-YEAR OPTIONS TO EXTEND THE AGREEMENT

(1-B) APPROVE A ONE-YEAR COMMERCIAL AVIATION OPERATIONS PERMIT WITH MARTINAIRE PARTNERS FOR THE USE OF FRESNO YOSEMITE INTERNATIONAL AIRPORT AND/OR CHANDLER EXECUTIVE AIRPORT'S RUNWAYS AND OTHER AIRFIELD FACILITIES, WITH AUTOMATIC EXTENSION ON A YEAR-TO-YEAR BASIS AFTER THE INITIAL YEAR UNLESS TERMINATED

(1-C) APPROVE AN AMENDMENT TO THE AGREEMENT WITH FRESNO AAI, INC'S CONCESSION AGREEMENT AT FRESNO YOSEMITE INTERNATIONAL AIRPORT TO COVER A NEW STARBUCKS OUTLET AND CLOSE RAPIDO'S COFFEE BAR

(1-D) RESOLUTION NO. 2006-23 - 18TH AMENDMENT TO PAR 2005-287 CONVERTING SIX PERMANENT PART-TIME POSITIONS TO FIVE FULL-TIME POSITIONS IN THE PLANNING & DEVELOPMENT DEPARTMENT TO MEET CODE ENFORCEMENT GOALS

(1-H) APPROVE REAPPOINTMENTS OF SAM SIMONIAN AND JOHN PAUL YOEUL TO THE HOUSING AUTHORITY BOARD - MAYOR AUTRY

(1-I) APPROVE AN AMENDMENT TO THE AGREEMENT WITH BOYLE ENGINEERING CORP. FOR THE ANALYSIS AND DESIGN OF THE SOUND ATTENUATION AT THE CITY'S SURFACE WATER TREATMENT FACILITY, AND AUTHORIZE THE DIRECTOR OF PUBLIC UTILITIES TO SIGN THE AMENDMENT ON BEHALF OF THE CITY, SUBJECT TO CITY ATTORNEY APPROVAL

(1-J) AWARD A CONSTRUCTION CONTRACT IN THE AMOUNT OF \$478,977 TO KAWEAH CONSTRUCTION CO. FOR THE SLUDGE TRANSFER STATION RELOCATION PROJECT AT THE RWRF

(1-K) AUTHORIZE THE PARKS, RECREATION & COMMUNITY SERVICES DIRECTOR TO EXECUTE A RENEWAL AGREEMENT WITH THE FRESNO-MADERA AREA AGENCY ON AGING FOR SITE MANAGEMENT OF THE SENIOR HOT MEALS PROGRAM

(1-L) CONSIDER THE PROPOSED CLINTON-BRAWLEY NO. 1 REORGANIZATION

1. AFFIRMING COUNCIL ACTION OF JUNE 14, 2005, ADOPTING THE ENVIRONMENTAL FINDING OF A MITIGATED NEGATIVE DECLARATION FOR E.A. NO. A-04-35/R-04-110/C-04-340 DATED MAY 3, 2005

2. RESOLUTION NO. 2006-24 - APPLYING TO LAFCO IN THE MATTER OF THE PROPOSED CLINTON-BRAWLEY NO. 1 REORGANIZATION FOR DETACHMENT OF THE PROPERTY FROM THE NORTH CENTRAL FIRE PROTECTION DISTRICT AND KINGS RIVER CONSERVATION DISTRICT AND ANNEXATION OF THE SAME TERRITORY TO THE CITY OF FRESNO

(1-N) RESOLUTION NO. 2006-26 - APPROVING THE FINAL MAP OF TRACT NO. 5455 AND ACCEPTING DEDICATED PUBLIC USES THEREIN, N. JEANNE AVENUE BETWEEN N. MARTY AND N. BRAWLEY AVENUES

1. AUTHORIZE THE PUBLIC WORKS DIRECTOR TO EXECUTE THE SUBDIVISION AGREEMENT

2. AUTHORIZE THE PUBLIC UTILITIES DIRECTOR TO EXECUTE THE STATEMENT OF COVENANTS AFFECTING LAND DEVELOPMENT PROVIDING SPECIAL SOLID WASTE DISPOSAL SERVICES FOR CERTAIN LOTS

3. AUTHORIZE THE PLANNING & DEVELOPMENT DIRECTOR TO EXECUTE THE STATEMENT OF COVENANTS AFFECTING LAND DEVELOPMENT DEFERRING CERTAIN SEWER CONNECTION CHARGES, WATER CONNECTION CHARGES, URBAN GROWTH MANAGEMENT FEES AND DEVELOPMENT FEES TO THE TIME OF ISSUANCE OF CERTIFICATE OF OCCUPANCY AND CREATION OF LIEN

147-20

1/24/06

(1-O) RESOLUTION NO. 2006-27 - APPROVING THE FINAL MAP OF TRACT NO. 5414 AND ACCEPTING DEDICATED PUBLIC USES THEREIN, N. CORNELIA AVENUE BETWEEN W. MCKINLEY AND W. CLINTON AVENUES

1. RESOLUTION NO. 2006-28 - 57TH AMENDMENT TO AAR 2005-286 APPROPRIATING \$46,100 TO FUND RIGHT OF WAY ACQUISITION IN UGM TRACT NO. 5414

2. AUTHORIZE THE PUBLIC WORKS DIRECTOR TO EXECUTE THE SUBDIVISION AGREEMENT AND THE STATEMENT OF COVENANTS AFFECTING LAND DEVELOPMENT FOR LANDSCAPE MAINTENANCE

3. AUTHORIZE THE PUBLIC UTILITIES DIRECTOR TO EXECUTE THE STATEMENT OF COVENANTS AFFECTING LAND DEVELOPMENT PROVIDING SPECIAL SOLID WASTE DISPOSAL SERVICES FOR CERTAIN LOTS

4. AUTHORIZE THE PLANNING & DEVELOPMENT DIRECTOR TO EXECUTE THE STATEMENT OF COVENANTS AFFECTING LAND DEVELOPMENT DEFERRING CERTAIN SEWER CONNECTION CHARGES, WATER CONNECTION CHARGES, URBAN GROWTH MANAGEMENT FEES AND DEVELOPMENT FEES TO THE TIME OF ISSUANCE OF CERTIFICATE OF OCCUPANCY AND CREATION OF LIEN, AND THE STATEMENT OF COVENANTS AFFECTING LAND DEVELOPMENT ACKNOWLEDGING RIGHT-TO-FARM LAW

(1-P) ADOPT A MEMORANDUM OF UNDERSTANDING (MOU) WITH THE FRESNO POLICE OFFICERS ASSOCIATION (FPOA - UNIT 9), COVERING THE PERIOD JULY 1, 2004, THROUGH JUNE 30, 2007, *with correction as verbalized above*

1. RESOLUTION NO. 2006-29 - 15TH AMENDMENT TO SALARY RES. 2005-290 AMENDING EXHIBIT 2, SECTION 2.1, POLICE MANAGEMENT

2. APPROVE AGREEMENT WITH FPOA/POLICE MANAGEMENT REGARDING SUCCESS PLANS

3. APPROVE AGREEMENT WITH FPOA/NON-SUPERVISORY POLICE REGARDING SUCCESS PLANS

(1-S) RECEIVE INFORMATIONAL REPORT ON THE COST NEUTRALITY OF THE CITY'S DEFERRED RETIREMENT OPTION PROGRAM (DROP)

(1-T) RESOLUTION NO. 2006-30 - INTENT TO ANNEX TRACT NO. 5316 AS ANNEXATION NO. 2 TO CFD NO. 11 AND AUTHORIZE THE LEVY OF SPECIAL TAXES

(1-U) BILL NO. B-3 - (FOR INTRODUCTION) AMENDING THE FRESNO MUNICIPAL CODE RELATING TO THE REPAYMENT PERIOD FOR THE REDEPOSIT OF CONTRIBUTIONS IN THE EMPLOYEES RETIREMENT SYSTEM

(1-V) BILL NO. B-4 - (FOR INTRODUCTION) AMENDING THE FRESNO MUNICIPAL CODE RELATING TO THE DEFINITION OF "BLIGHTED BUILDING" AND TO ADMINISTRATIVE PENALTY FOR NON-COMPLIANCE WITH VACANT BUILDING PLAN

(1-W) JOINT COUNCIL/REDEVELOPMENT AGENCY ACTIONS:

1. JOINT RESOLUTION NO. 2006-31/1671 - DESIGNATING CITY AND REDEVELOPMENT AGENCY POSITIONS WHICH SHALL BE SUBJECT TO THE CONFLICT OF INTEREST CODE AND DEFINING CATEGORIES OF DISCLOSURE FOR SUCH POSITIONS

2. ADOPTION OF DOCUMENTS RELATING TO ASSEMBLY BILL (AB) 1234

a. BILL NO. B-5 - (FOR INTRODUCTION) AMENDING ORDINANCE NO. 2004-88 RELATING TO THE CRITERIA ON THE USE OF PUBLIC RESOURCES AND REIMBURSEMENT OF EXPENSES FOR THE MAYOR AND COUNCILMEMBERS (*COUNCIL ACTION*)

b. AGENCY RESOLUTION NO. 1672 - ESTABLISHING THE CRITERIA FOR REIMBURSEMENT OF EXPENSES OF THE BOARD OF DIRECTORS

c. COUNCIL RESOLUTION NO. 2006-32 - RELATING TO COMPENSATION AND REIMBURSEMENT OF EXPENSES FOR MEMBERS SERVING ON CITY BOARDS, COMMISSIONS AND OTHER LEGISLATIVE BODIES

3. JOINT COUNCIL/AGENCY RESOLUTION NO. 2006-33/1673 - CONSENTING TO AND CALLING FOR A JOINT PUBLIC HEARING ON PROPOSED AMENDMENTS TO THE REDEVELOPMENT PLAN FOR THE CHINATOWN EXPANDED REDEVELOPMENT PROJECT AND THE NEGATIVE DECLARATION PREPARED IN CONNECTION WITH THE PROPOSED AMENDMENTS

On motion of Councilmember Westerlund, seconded by Acting President Perea, duly carried, RESOLVED, the above entitled **CONSENT CALENDAR** hereby adopted, by the following vote:

147-21

1/24/06

Ayes : Boyajian, Calhoun, Dages, Perea, Sterling, Westerlund, Duncan
Noes : None
Absent : None

(1-G) APPROVE A PROFESSIONAL SERVICES AGREEMENT WITH OMNI-MEANS, LTD. TO PREPARE A CALTRANS PROJECT STUDY REPORT FOR A FREEWAY INTERCHANGE AT VETERANS BOULEVARD AND STATE ROUTE 99

On motion of Councilmember Westerlund, seconded by Acting President Perea, duly carried, RESOLVED, the above entitled Item **1-G** hereby approved, by the following vote:

Ayes : Calhoun, Dages, Perea, Sterling, Westerlund, Duncan
Noes : Boyajian
Absent : None

(1-M) CONSIDER THE PROPOSED CLINTON-POLK NO. 1 REORGANIZATION
1. AFFIRMING COUNCIL ACTION OF APRIL 12, 2005, ADOPTING THE ENVIRONMENTAL FINDING OF A MITIGATED NEGATIVE DECLARATION FOR E.A. NO. A-04-34/T-5300 DATED SEPTEMBER 17, 2004, THAT THE PROJECT PROPOSAL CONFORMS TO THE PROVISIONS OF THE GENERAL PLAN MEIR
2. RESOLUTION NO. 2006-25 - APPLYING TO LAFCO IN THE MATTER OF THE PROPOSED CLINTON-POLK NO. 1 REORGANIZATION FOR DETACHMENT OF PROPERTY FROM THE NORTH CENTRAL FIRE PROTECTION DISTRICT AND THE KINGS RIVER CONSERVATION DISTRICT AND ANNEXATION OF SAME TERRITORY TO THE CITY OF FRESNO

On motion of Councilmember Westerlund, seconded by Acting President Perea, duly carried, RESOLVED, the above entitled Item **1-M** hereby adopted, by the following vote:

Ayes : Calhoun, Dages, Perea, Sterling, Westerlund, Duncan
Noes : Boyajian
Absent : None

(9:00 A.M.) PUBLIC COMMENT PERIOD:

(A) SCHEDULED COMMUNICATION: *(Held again later in the meeting)*

APPEARANCE BY LOUIS MARQUEZ TO PRESENT AN IDEA ON HOW TO IMPROVE PROPERTY AT THE CORNER OF "U" AND TULARE STREETS

Not present when called; appeared/spoke later in the meeting.

(B) UNSCHEDULED COMMUNICATION:

APPEARANCE BY EDWARD ECHOLS REQUESTING A DATE WHEN THE CITY WILL TRIM A DANGEROUS TREE ON HIS PROPERTY

Appearance made with Councilmember Sterling requesting Mr. Echols work with public works staff.

APPEARANCE BY EUGENE BRAZIL, EXECUTIVE DIRECTOR OF THE HOME RUN HOUSE, THANKING VARIOUS ORGANIZATIONS AND PEOPLE IN THE COMMUNITY FOR THEIR SUPPORT AND REQUESTING ANYONE INTERESTED IN DONATING TIME AND/OR MONEY TO HIS ORGANIZATION TO CALL 761-6111

Appearance made; no action taken.

147-22

1/24/06

(9:15 A.M.) GENERAL ADMINISTRATION:

("B") BILL NO. B-6 - (FOR INTRODUCTION) AMENDING THE FRESNO MUNICIPAL CODE RELATING TO PROHIBITING SMOKING IN PARKS (*Removing the sunset clause and continuing the ordinance in effect beyond January 25, 2006*)

Assistant PR&CS Director Haynes reviewed the issue as contained in the staff report as submitted and recommended the ordinance be introduced.

Speaking in support of staff's recommendation were: Gabriel Sanchez, Youth Services Network/Region One Youth Commissioner; Tori Marquez, Youth Commissioner and Buchanan High School senior (**2 - 0**); Danielle Mesa, Youth Commissioner; Clarissa Uribe and Alex Lutz, Roosevelt High School juniors; Judi Plante, ex-smoker/cancer survivor; and Emily Froberg, who read a letter from Senator Dean Florez into the record.

Councilmembers Boyajian, Dages, Sterling and Perea thanked the speakers and specifically commended the students and youth commissioners for their vision and leadership, and a motion and second was made to introduce the ordinance.

Mr. Haynes and City Attorney Montoy responded to questions and comments of Councilmember Calhoun relative to signs not being posted when the ordinance first came into effect, this being a fairness issue and why signs were not posted/why there were no educational campaigns, and if the lack of posted signs posed any problem due to the public not being properly informed. Ms. Froberg and Mr. Haynes responded to questions of President Duncan relative to whether Senator Florez intended to introduce legislation in this regard statewide, how the ordinance was expected to be effective when it would be self-policing, and where signs would be posted in Woodward Park. President Duncan stated he was supportive of prohibiting smoking in parks but stated the issue was not worthy of being an ordinance and he would not support it especially since there was no intent to enforce it.

On motion of Acting President Perea, seconded by Councilmember Sterling, duly carried, **RESOLVED**, the above entitled Bill No. B-3 introduced before the Council and laid over, by the following vote:

Ayes :	Boyajian, Calhoun, Dages, Perea, Sterling, Westerlund
Noes :	Duncan
Absent :	None

("C") CONSIDER AN INTERIM AGREEMENT WITH CALTRANS FOR THE IDENTIFICATION OF MEASURES TO MITIGATE IMPACTS TO THE STATE HIGHWAY SYSTEM RESULTING FROM CITY APPROVED PROJECTS

Assistant City Manager Rudd gave an overview of the issue as contained in the staff report as submitted and recommended approval, and along with Chief Assistant City Attorney Sanchez and City Attorney Montoy responded to questions of Councilmember Westerlund relative to how the Measure "C" renewal provision would work, the regional fee, if there would be a county-wide fee or a separate fee for each city, and the large amount of interest money and who would be able to expend it. Councilmember Boyajian stated this was a good step, noted he had been advocating for this for many years and stated the partnership was long overdue, and added he hoped this would help deal with the city's fast growth and made a motion to approve staff's recommendation, which motion was seconded by Acting President Perea.

President Duncan advised the lawsuit was due to Caltrans not asking other cities for fees and questioned if they were asking for the fees now, stated the city of Fresno was acknowledging it would contribute but his concern was that Caltrans would make an effort to establish a regional fee but other cities would not pay, spoke to a project in his district that was assessed a fee yet a Clovis project across the street/catty-corner was not asked to pay, expressed his concern stating this was outrageous, it cost more to do business in Fresno, and all cities needed to step forward and contribute, and concluded stating there was an opportunity for the region to accumulate money for its needs but Caltrans was picking on Fresno only. Councilmember Boyajian disagreed with President Duncan stating Fresno was the last city to do this and not the first and explained. Acting President Perea stated he wanted staff to respond to President Duncan's comments and along with President Duncan presented questions relative to whether staff felt other cities would join in this effort, if the lawsuit would be still be settled if the regional fee does not come to pass, and if staff was willing to indicate Caltrans would pursue a fee with Clovis and Madera like they did with Fresno, with Ms. Montoy and Mr. Rudd responding throughout. President Duncan stressed Caltrans needed to put pressure on other entities like they did on Fresno and people needed to know other cities were getting a free ride adding that was not fair.

On motion of Councilmember Boyajian, seconded by Acting President Perea, duly carried, RESOLVED, the proposed settlement hereby accepted and staff authorized to execute the Interim Agreement and any other implementing documents to effect settlement, by the following vote:

147-23

1/24/06

Ayes : Boyajian, Calhoun, Dages, Perea, Sterling, Westerlund
 Noes : Duncan
 Absent : None

(9:00 A.M.) PUBLIC COMMENT PERIOD - SCHEDULED COMMUNICATION: *(Continued from earlier)*

(A) APPEARANCE BY LOUIS MARQUEZ TO PRESENT AN IDEA ON HOW TO IMPROVE PROPERTY AT THE CORNER OF "U" AND TULARE STREETS

Appearance and suggestion made **(3 - 0)** with Councilmember Sterling requesting Mr. Marquez contact and work with her office.

(10:00 A.M. #1) CONTINUED HEARING ON CFD NO. 2, ANNEXATION NO. 106, TRACT NO. 5285

1. RESOLUTION - ANNEXING TERRITORY AND AUTHORIZING THE LEVY OF A SPECIAL TAX
2. RESOLUTION - CALLING A SPECIAL MAILED-BALLOT ELECTION
3. RESOLUTION - DECLARING ELECTION RESULTS
4. BILL - LEVYING A SPECIAL TAX FOR PROPERTY TAX YEAR 2005-2006 AND FUTURE TAX YEARS

* **Considered again later**

President Duncan announced the time had arrived to consider the issue and opened the hearing. Assistant Public Works Director Kirn advised the staff report as submitted was complete and there were no changes to report.

Upon call, no one wished to be heard and President Duncan closed the hearing.

***Note** - A motion was made by Councilmember Westerlund and seconded by Councilmember Sterling to approve staff's recommendation. The above Resolutions and Ordinance were adopted by a unanimous vote of the Council and after the 10:00 A.M. #3 Hearing at the request of staff action was taken to reconsider and rescind this action and continue the hearing to a later date. See below.

(10:00 A.M. #2) CONTINUED HEARING ON CFD NO. 2, ANNEXATION NO. 109, TRACT NO. 5343

1. **RESOLUTION NO. 2006-34** - ANNEXING TERRITORY AND AUTHORIZING THE LEVY OF A SPECIAL TAX
2. **RESOLUTION NO. 2006-35** - CALLING A SPECIAL MAILED-BALLOT ELECTION
3. **RESOLUTION NO. 2006-36** - DECLARING ELECTION RESULTS
4. **BILL NO. B-7 - ORDINANCE NO. 2006-3** - LEVYING A SPECIAL TAX FOR PROPERTY TAX YEAR 2005-2006 AND FUTURE TAX YEARS

President Duncan announced the time had arrived to consider the issue and opened the hearing. Assistant Public Works Director Kirn advised the staff report as submitted was complete and there were no changes to report.

Upon call, no one wished to be heard and President Duncan closed the hearing.

On motion of Councilmember Westerlund, seconded by Councilmember Sterling, duly carried, RESOLVED, the above entitled Resolution Nos. 2006-34, 2006-35 and 2006-36 hereby adopted, and the above entitled Bill No. B-7 adopted as Ordinance No. 2006-3, by the following vote:

Ayes : Boyajian, Calhoun, Dages, Perea, Sterling, Westerlund, Duncan

Noes : None
Absent : None

(10:00 A.M. #3) HEARING ON CFD NO. 2, ANNEXATION NO. 104, TRACT NO. 5171

1. RESOLUTION NO. 2006-37 - ANNEXING TERRITORY AND AUTHORIZING THE LEVY OF A SPECIAL TAX

147-24

1/24/06

2. RESOLUTION NO. 2006-38 - CALLING A SPECIAL MAILED-BALLOT ELECTION

3. RESOLUTION NO. 2006-39 - DECLARING ELECTION RESULTS

4. BILL NO. B-8 - ORDINANCE NO. 2006-4 - LEVYING A SPECIAL TAX FOR PROPERTY TAX YEAR 2005-2006 AND FUTURE TAX YEARS

President Duncan announced the time had arrived to consider the issue and opened the hearing. Assistant Public Works Director Kirn advised the staff report as submitted was complete and there were no changes to report.

Upon call, no one wished to be heard and President Duncan closed the hearing.

On motion of Acting President Perea, seconded by Councilmember Dages, duly carried, RESOLVED, the above entitled Resolution Nos. 2006-37, 2006-38 and 2006-39 hereby adopted, and the above entitled Bill No. B-8 adopted as Ordinance No. 2006-4, by the following vote:

Ayes : Boyajian, Calhoun, Dages, Perea, Sterling, Westerlund, Duncan
Noes : None
Absent : None

(10:00 A.M. #1) CONTINUED HEARING ON CFD NO. 2, ANNEXATION NO. 106, TRACT NO. 5285 (*Continued from earlier*)

1. RESOLUTION - ANNEXING TERRITORY AND AUTHORIZING THE LEVY OF A SPECIAL TAX

2. RESOLUTION - CALLING A SPECIAL MAILED-BALLOT ELECTION

3. RESOLUTION - DECLARING ELECTION RESULTS

4. BILL - LEVYING A SPECIAL TAX FOR PROPERTY TAX YEAR 2005-2006 AND FUTURE TAX YEARS

Senior Engineering Technician Paff advised he just found out the tract had not completed annexation to the city and the earlier action had to be undone.

On motion of Councilmember Sterling, seconded by Acting President Perea, duly carried, RESOLVED, the matter approved for reconsideration, by the following vote:

Ayes : Boyajian, Calhoun, Dages, Perea, Sterling, Westerlund, Duncan
Noes : None
Absent : None

Councilmember Sterling stated she wished staff had informed her of this as this was in her district, asked that she be kept informed so this does not happen again, and added this was an embarrassment. A motion and second was made to rescind Council's prior action and continue the hearing. Councilmember Westerlund noted the material was in Council's packet and he would have believed the matter would have gone through the appropriate checks and questioned how this happened, with Mr. Paff responding and explaining the process.

On motion of Councilmember Sterling, seconded by President Duncan, duly carried, RESOLVED, Council's prior action adopting the above Resolutions and Ordinance Bill hereby rescinded and the hearing continued to February 28, 2006, at 10:00 a.m., by the following vote:

Ayes : Boyajian, Calhoun, Dages, Perea, Sterling, Westerlund, Duncan
Noes : None
Absent : None

(10:15 A.M.) HEARING ON REZONE APPLICATION NO. R-05-66 AND ENVIRONMENTAL FINDINGS, FILED BY GARY AND CAROL OHANESIAN, SOUTHEAST CORNER OF E. ASHLAN AND N. EFFIE IN DISTRICT 7

1. CONSIDER AND ADOPT E.A. R-05-66, FINDING OF CONFORMITY TO THE GENERAL PLAN MEIR

2. BILL NO. B-9 - ORDINANCE NO. 2006-5 - AMENDING THE OFFICIAL ZONE MAP TO REZONE THE SUBJECT PROPERTY FROM C-6/cz TO C-6/cz

147-25

1/24/06

President Duncan announced the time had arrived to consider the issue and opened the hearing. An unidentified planning & development staff member advised the staff report as submitted was complete and there were no changes to report.

Upon call, no one wished to be heard and President Duncan closed the hearing.

On motion of Acting President Perea, seconded by Councilmember Dages, duly carried, **RESOLVED**, the environmental finding for E.A. No. R-05-66, dated September 29, 2005, that the project proposal conforms to the provisions of the General Plan MEIR hereby approved, and the above entitled Bill No. B-9 rezoning the subject property adopted as Ordinance No. 2006-5, by the following vote:

Ayes :	Boyajian, Calhoun, Dages, Perea, Sterling, Westerlund, Duncan
Noes :	None
Absent :	None

RECESS - 10:18 A.M. - 10:32 A.M.

(10:20 A.M.) HEARING ON REZONE APPLICATION NO. R-04-92 AND ENVIRONMENTAL FINDINGS, FILED BY CAMBRIDGE HOMES, NORTH SIDE OF E. SHIELDS BETWEEN N. ARMSTRONG AND N. TEMPERANCE AVENUES IN DISTRICT 4

1. CONSIDER AND ADOPT E.A. NO. R-04-92/T-5427, FINDING OF CONFORMITY TO THE GENERAL PLAN MEIR

2. BILL NO. B-10 - ORDINANCE NO. 2006-6 - AMENDING THE OFFICIAL ZONE MAP TO REZONE FROM R-A/UGM TO R-1/UGM

President Duncan announced the time had arrived to consider the issue and opened the hearing. Planner Braun advised the staff report as submitted was complete and there were no changes to report.

Upon call, no one wished to be heard and President Duncan closed the hearing.

Councilmember Westerlund presented questions relative to the size of the park on Outlot A, if there were plans for a landscaping and lighting maintenance district, the second map and property purchased for a pedestrian connection, and if the developer was supportive of a new 6' foot sidewalk standard for major streets, with applicant representative Dirk Poeschel responding. A motion and second was made to approve staff's recommendation. Mr. Braun, Traffic Engineering Manager Mozier and City Attorney Montoy responded to questions/comments of Councilmember Boyajian relative to the traffic study and his concerns, number of homes proposed for the area, impacts, if the study considered the entire area or just this project, build-out assumptions, who will pay for improvements, and if the developer would be paying towards road improvements/widening.

On motion of Councilmember Westerlund, seconded by Acting President Perea, duly carried, **RESOLVED**, the environmental finding for E.A. No. R-04-92/T-5427, dated September 28, 2005, that the project proposal conforms to the provisions of the General Plan MEIR hereby approved, and the above entitled Bill No. B-10 rezoning the subject property adopted as Ordinance No. 2006-6, by the following vote:

Ayes :	Calhoun, Dages, Perea, Sterling, Westerlund, Duncan
Noes :	Boyajian
Absent :	None

(10:45 A.M.) APPROVE CITY'S PARTICIPATION IN THE SAN JOAQUIN RIVER PARKWAY BRANDING AND COOPERATIVE MARKETING PROGRAM - COUNCILMEMBER CALHOUN

Councilmember Calhoun reviewed the issue as contained in his report to Council as submitted and displayed the graphic brand adopted by the San Joaquin River Conservancy board on the overhead. PR&CS Director Cooper spoke briefly to the tour of the land he and his assistant director took with the staff of the Conservancy and stated it was a beautiful asset that citizens do not yet have an opportunity to enjoy and stated the land needed to be opened up as soon as possible. A motion and second was made to approve the City's participation in the program.

Melinda Marks, San Joaquin River Conservancy, stated this was an effort for the community to start to envision the 22-mile parkway they are trying to put together, and invited Council to see their newest addition on Thursday.

147-26

1/24/06

Councilmember Sterling and President Duncan expressed their support and commended Councilmember Calhoun for his involvement and representation and the Conservancy for championing the city and following through on this great project.

On motion of Councilmember Calhoun, seconded by Councilmember Sterling, duly carried, RESOLVED, the City's participation in, and support for, cooperatively marketing the San Joaquin River Parkway, including adopting the brand theme and graphic for use in outreach materials and signs relating to the Parkway hereby approved, by the following vote:

Ayes :	Boyajian, Calhoun, Dages, Perea, Sterling, Westerlund, Duncan
Noes :	None
Absent :	None

(3-A) DISCUSSION AND CONSIDERATION OF FUNDING FOR THE PUBLIC WORKS DEPARTMENT GEO-BASED TREE TRIMMING PROGRAM - COUNCILMEMBER WESTERLUND

1. RESOLUTION NO. 2006-40 - 53RD AMENDMENT TO AAR 2005-286 APPROPRIATING \$200,000 TO RESTORE AND PROVIDE ADDITIONAL FUNDING TO FURTHER THE PROGRAM FOR THE CURRENT FISCAL YEAR (Councilmember Westerlund recommendation)

2. RESOLUTION - 55TH AMENDMENT TO AAR 2005-286 APPROPRIATING \$148,400 TO RESTORE FUNDING TO FURTHER THE PROGRAM FOR THE CURRENT FISCAL YEAR (Staff recommendation)

Councilmember Westerlund gave an in-depth overview of the issue as contained in his report to Council as submitted, and made a motion to approve Resolution #1, which motion was seconded by President Duncan and later acted upon.

Assistant City Manager Rudd spoke in opposition to the motion stating staff's concern dealt with the city's on-going costs and stated although there appeared to be additional revenue that money was carry-over to offset on-going costs and added it played into the ability to balance the budget.

Lengthy discussion ensued. City Attorney Montoy, Public Works Director Healey, Mr. Rudd, Councilmember Westerlund, Street Maintenance Manager Adams, Budget Manager Smith and Assistant Public Works Director Kirn responded to numerous questions and/or comments of Councilmembers Calhoun, Perea, Boyajian and Sterling relative to whether this was the contract that was never settled, if this went through the bid process, if unsatisfactory bids were received, expending additional money and if it was better to accelerate the program or replace trees (**4 - 0**), if funds were still available for tree replacement, why so few trees were being replaced, if new development/subdivisions put in trees, if Councilmember Westerlund was proposing the additional money go solely to tree trimming, desire to see the additional money go to tree replacement, when the city replaces trees, broader issues being involved and need for a workshop, need for staff to prepare an action plan on future phases with realistic numbers, how it is determined which neighborhoods will get trees trimmed, how the geo-based program works, what the normal standard/timeline was for tree trimming, the funding source, the \$4.6 million from the State, support for a workshop, if there were liability issues if a tree falls due to the city removing roots resulting in lessened stability, if CFDs take care of trees, number of additional geobases that will be trimmed with the \$200,000, and if staff could look at adding the Fulton/Freeway 180 historic area and desire to have trees replaced in that area if any are taken out. Councilmember Dages stated it was not easy to have a tree removed, spoke to the frustrations and problems he has experienced/encountered, stressed the process/system was not working, and stated trees that cause problems are still allowed to be planted so the same problems will be around 20 years from now.

President Duncan directed the city clerk to schedule an urban forest workshop on the agenda for March 7, 2006, at 10:00 a.m., strongly requested the city manager have staff meet with each council member to get an understanding of each member's concerns so they

can be addressed at the workshop, requested the city attorney provide legal briefing and information on what needs to be done to add a Council override on staff decisions on tree removal, and thanked Councilmember Westerlund for bringing this forward and stated he would support the motion noting money was available as not too long ago the mayor requested \$80,000 from the general fund for a police auditor.

On motion of Councilmember Westerlund, seconded by President Duncan, duly carried, RESOLVED, the above entitled Resolution No. 2006-40 hereby adopted, by the following vote:

Ayes : Boyajian, Calhoun, Dages, Perea, Sterling, Westerlund, Duncan
Noes : None
Absent : None

147-27

1/24/06

(3-B) ADOPT A NEW CITY STANDARD AND SPECIFICATION REQUIRING ALL SIDEWALKS BE A MINIMUM OF SIX (6) FEET WIDE FOR CONSTRUCTION OF NEW DEVELOPMENT ON MAJOR STREETS - COUNCILMEMBER WESTERLUND

Councilmember Westerlund reviewed the issue as contained in his report to Council as submitted; stated 4-foot sidewalks were not pedestrian friendly, this standard would apply to major streets only and not to interior streets, the BIA was supportive, and the specification would allow for an exception for infill and explained; and made a motion to adopt the new standard. Councilmember Westerlund and Public Works Director Healey responded to questions of Acting President Perea relative to whether this would apply to new development only, how a property being developed with an existing 4-foot sidewalk would be dealt with, and if this would impact landscaping.

On motion of Councilmember Westerlund, seconded by Councilmember Calhoun, duly carried, RESOLVED, a new standard for the City of Fresno, Department of Public Works, Standards and Specifications and Drawings, requiring that all new development for major streets sidewalks be a minimum of six (6) feet in width hereby adopted, by the following vote:

Ayes : Boyajian, Calhoun, Dages, Perea, Sterling, Westerlund, Duncan
Noes : None
Absent : None

LUNCH RECESS - 12:00 Noon - 2:00 P.M.

(2:00 P.M. #2) CLOSED SESSION:

(A) CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION - CASE NAME: MEDICAL ADVOCATES FOR HEALTHY AIR, ET AL. V. CITY OF FRESNO, ET AL. (FANCHER CREEK PROPERTIES, ET AL., REAL PARTIES IN INTEREST)

(5 - 0) Upon call, no one wished to be heard.

President Duncan advised he had property interest in an area affected by this lawsuit and recused himself from the proceedings.

The City Council met in closed session in Room 2125 at the hour of 2:02 p.m. to consider the above matter and reconvened in regular open session at 2:28 p.m.

CLOSED SESSION ANNOUNCEMENT:

City Attorney Montoy announced the matter dealt with a CEQA lawsuit and Council approved a settlement on a vote of 5-1-0-1 with Councilmember Calhoun voting "no" and President Duncan recused.

(2:00 P.M. #1) CONTESTED CONSENT CALENDAR:

(1-E) RESOLUTION NO. 2006-41 - AUTHORIZING THE PURCHASE OF A PLUG-IN HYBRID NATURAL GAS/ELECTRIC DRIVE SYSTEM, INSTALLED IN A CITY-OWNED REFUSE TRUCK FROM ODYNE CORPORATION WITHOUT ADVERTISED COMPETITIVE BIDDING IN AN AMOUNT NOT TO EXCEED \$187,981.88

Interim Fleet Manager Schaad and Assistant City Manager Rudd responded to questions of Councilmember Westerlund relative to what was going to be done, if this was a pilot program, if the application could be brought to other trucks in the future, the high cost and if this application had been used before so the city could build off it, if this will be the first time a truck will be retrofitted, and if the manufacturer was going to provide any cost breaks.

On motion of Councilmember Westerlund, seconded by Acting President Perea, duly carried, RESOLVED, the above entitled Resolution No. 2006-41 hereby adopted, by the following vote:

147-28

1/24/06

Ayes : Boyajian, Calhoun, Dages, Perea, Sterling, Westerlund, Duncan
 Noes : None
 Absent : None

(1-F) REJECT ALL BIDS FOR CONSTRUCTION OF INFRASTRUCTURE FOR A TRAFFIC SIGNAL SYNCHRONIZATION SYSTEM PHASE II

Traffic Engineering Manager Mozier and Public Works Director Healey responded to questions and comments of Councilmember Calhoun relative to synchronization being a long way off, perception of problems occurring regularly, status of the synchronization project, the dropping of the new west fiber loop in Highway 99 from the project, project timeline if this contract were to be awarded, if the City had sufficient funding for the project, if staff was going to rebid, and if the Traffic Operations Center (TOC) was still part of public works and if it was going to be transferred to the transportation department as discussed.

On motion of Councilmember Calhoun, seconded by Councilmember Westerlund, duly carried, RESOLVED, all bids received for construction of infrastructure for a Traffic Signal Synchronization System Phase III hereby rejected, by the following vote:

Ayes : Boyajian, Calhoun, Dages, Perea, Sterling, Westerlund, Duncan
 Noes : None
 Absent : None

(1-Q) ACCEPT INFORMATIONAL COMPREHENSIVE ANNUAL FINANCIAL REPORTS ("CAFRs") REGARDING THE FINANCIAL ACTIVITIES OF THE CITY OF FRESNO RETIREMENT SYSTEMS FOR THE FISCAL YEAR ENDING JUNE 30, 2005

Retirement Administrator Divitt responded to questions of Councilmember Westerlund and clarified issues relative to the MD&A (management discussion and analysis) and what is audited and reviewed.

On motion of Councilmember Westerlund, seconded by Acting President Perea, duly carried, RESOLVED, the informational CAFRs hereby accepted, by the following vote:

Ayes : Boyajian, Calhoun, Dages, Perea, Sterling, Westerlund, Duncan
 Noes : None
 Absent : None

(1-R) ACCEPT INFORMATIONAL REPORT ON THE RESULTS OF THE JUNE 30, 2005, ANNUAL ACTUARIAL VALUATIONS

Councilmember Calhoun stated this was an important matter, the city's retirement systems were some of the best in terms of the way they were managed and that was a credit to Retirement Administrator McDivitt, the board, and city employees, and upon his request Mr. McDivitt addressed the issues of investments not paying for costs, city subsidies, and the finance department taking into consideration the possibility of a \$4 million plus obligation.

On motion of Councilmember Calhoun, seconded by Councilmember Westerlund, duly carried, RESOLVED, the informational report on the results of the June 30, 2005, Annual Actuarial Valuations hereby accepted, by the following vote:

Ayes : Boyajian, Calhoun, Dages, Perea, Sterling, Westerlund, Duncan
 Noes : None
 Absent : None

Mr. McDivitt also noted the retirement board's investment in downtown Fresno (purchase of the old Surgery Center building) turned out to be a really good investment, they were very proud of it, and the building would soon be fully leased.

(2:45 P.M.) CONSIDERATION OF REPORT RELATING TO REGULATION OF DANGEROUS DOGS AND DIRECTION TO STAFF - COUNCILMEMBER CALHOUN

1. APPEARANCE BY DAVID BORDONARO TO DISCUSS DOG ATTACKS AND THE LEASH LAW

147-29

1/24/06

Councilmember Calhoun and City Attorney Montoy gave an in-depth overview of the issue including Councilmember Calhoun's proposed amendments as outlined in his report to Council, no final action would be taken this date, **(6 - 0)** staff returning with a formal ordinance in March including cost issues, State legislation that was enacted giving cities and counties more options, and this not being breed specific.

Speaking in support of harsher regulations/penalties and/or to their experiences with vicious/dangerous dogs were: David Bordonaro; Lorri Cwick; Sharon and Leonard Babcock and Chrystal Babcock, grandparents and mother of Tyler Babcock who was mauled to death last January; Jack Jarvis, Principal of Hidalgo Elementary School; Tyler's Pastor Denise Leslie; and Diana Davis.

Laura Vargas spoke to the issue stating she had 2 shelter pit bulls and the problem was with dog owners. Gilbert Sacks spoke in support of harsher penalties and to dog attacks on mail carriers in his neighborhood. Aaron Amaral, dog owner/breeder and college student, spoke to a report he conducted on society's fear of large dog breeds and to truths/untruths of specific breeds. George Alvarez, dog owner, stated the dog owners he knows are very responsible, pit bulls may be labeled incorrectly, and he was supportive of an ordinance.

Continued speakers in support of harsher regulations/penalties and/or to their experiences with vicious/dangerous dogs were: Cathy Picotti, who submitted photos of her pet cat who was mauled to death and a statement from her veterinarian; Joe Goutila; and Earl Malen.

Councilmember Calhoun thanked everyone for their input and made a motion to direct staff to return by March 1st with the amendments as outlined in his report, which motion was seconded by Councilmember Sterling.

Condolences were extended to the Babcock family and extensive discussion ensued. Ms. Montoy, Norm Minson of the SPCA and Deputy Police Chief Nevarez responded to numerous questions, comments and/or concerns of Councilmembers Dages, Boyajian, Sterling, Westerlund and President Duncan relative to whether the city's ordinance would be made similar to Fresno County's so there is no dividing line, **(7 - 0)** need to recognize 99% of dog owners are responsible, complaints about non-response by the SPCA and police and need for city to create resources to help support them, need to recognize the difference between a small dog attack and large dog attack, need to define "vicious dogs" and "protective dogs" and differentiate between household dogs and vicious dogs getting out, request to staff to find resources to support the SPCA including partnering with the county, the numerous alternatives/amendments presented and what the motion included, desire to see higher penalties, if raising dogs to kill (which is a felony) was included, if there was an ability to pursue criminal charges, injunctions/restraining orders, what authorities the SPCA had, if the SPCA felt the city's ordinance was sufficient, what the SPCA's definition of a vicious dog was, if the SPCA goes out and investigates calls, if the SPCA could come up with recommendations for additional resources, concern with ability to breed dogs, what the police department's process was for vicious dog calls, number of calls received, if staff felt this ordinance would increase the number of calls, the department's support for city attorney alternative B-3, if anyone had ever been prosecuted who bred dogs to kill, if the police department felt it could work with the SPCA on this, concerns with some of the amendments, thank you extended to speakers and the Babcock family and commendation to Councilmember Calhoun's staff and involved city staff, the SPCA representing 4 million people and need to find additional resources, need for the city to be a good steward and bring the RJI in, commendation to the SPCA and police department for the job they do, commendation to Deputy City Attorney Fox on the report, number of unlicensed dogs, desire to bring back dog license checkers, concern with city attorney option C-2, criminal prosecution **(8 - 0)**, making this cost neutral not a priority, need to continue strengthening the

ordinance/enforce the ordinance/look at maximum penalty allowed and deal with resources during budget, alternative C-5 being unclear and request for information, support for mandatory spay/neuter, need to apply the ordinance to cats also, backlog on administrative hearings and concern with hearing timeline to make a determination on vicious dogs, suggestion to add an additional hearing officer to expedite hearings, and request to staff to post the draft ordinance on the city's website as soon as it is available. Councilmember Calhoun stated legitimate questions were raised relative to revenue, questioned if license fees and revenue collected from fines go to the general fund, if any of those funds go back to the SPCA, and if revenue for the SPCA was just a matter of contract adjustment, with Ms. Montoy responding. Councilmember Calhoun stated it was clear Council wanted adequate revenue to fund the ordinance, stressed irresponsible dog owners should pay and not the taxpayer, and stated staff would look into whether flexibility was built into the ordinance to allow the Poundmaster to make decisions so that everything does not have to go to the hearing officer.

On motion of Councilmember Calhoun, seconded by Councilmember Sterling, duly carried, RESOLVED, staff directed to return by March 1, 2006, with the seven amendments to the Fresno Municipal Code regulating vicious and dangerous dogs as outlined in Councilmember Calhoun's Report to Council, by the following vote:

Ayes : Boyajian, Calhoun, Dages, Perea, Sterling, Westerlund, Duncan
 Noes : None
 Absent : None

147-30

1/24/06

(3:15 P.M.) ESTABLISH A COMMUNITY COMMITTEE TO RECOMMEND A REVISION TO THE EXISTING HUMAN RELATIONS COMMISSION (HRC) - PRESIDENT DUNCAN

President Duncan reviewed the issue as contained in his report to Council as submitted and added Mr. Reade and Ms. Bechara were supportive of looking at forming a new committee and reporting back to Council. HRC Chairman Enrique Reade stated he looked forward to this endeavor, there was a need to do this, he wanted to see the HRC get stronger again, and asked Council to work with them. House of Hope founder Susan Bechara stated she was honored to take on this challenge, there were a lot of community issues, and her focus would be to begin the healing process among people and be sensitive to all as children were watching.

President Duncan reviewed the four requirements he wanted Council to support and also stated he wanted a deadline for the committee to report back by and discussion ensued. Councilmember Sterling expressed her support, commended President Duncan for bringing this forward and the MLK staff for the events put on last week, stated she wanted the HRC continue with the four events, offered to work with President Duncan during budget to add funding to support their charge, and stated she would like to see an initial report in March so things would be ready to make this part of next year's budget. Councilmember Boyajian thanked Mr. Reade and the HRC for the great job they've done and for services provided without the finances needed and elaborated, and stated he felt there was no need for a change, with President Duncan responding. Councilmember Calhoun stated this was a healthy approach, he saw this as a renewal and an opportunity to look again at the community and the fundamental mission of the commission, and stated he saw a problem with 19th century government and separate entities and recommended a joint effort with Fresno county be considered. Acting President Perea stated this was a good opportunity to reevaluate the HRC and their mission and added he would have a problem with making this a joint city/county effort as different issues were involved. Councilmember Calhoun recommended this not be rushed through and suggested the committee report back after the budget process. President Duncan stated the important thing was to have this done right and made a motion to have a report back in 60 days adding it could be delayed if that timeline does not work out.

On motion of President Duncan, seconded by Councilmember Sterling, duly carried, RESOLVED, current HRC Chairman Enrique Reade and House of Hope Founder Susan Bechara appointed to head up a committee to redefine the mission and tasks of a new organization that will be involved in focusing on the original mission as stated in 1985, and report back to Council in 60 days with a recommendation, by the following vote:

Ayes : Calhoun, Dages, Perea, Sterling, Westerlund, Duncan
 Noes : Boyajian
 Absent : None

(3:45 P.M.) CONTINUED HEARING ON PLAN AMENDMENT APPLICATION NO. A-04-01, REZONE APPLICATION NO. R-04-03, AND ENVIRONMENTAL FINDINGS FILED BY THE STATE CENTER COMMUNITY COLLEGE DISTRICT (SCCCD) AND THE CLOVIS UNIFIED SCHOOL DISTRICT (CUSD), E. INTERNATIONAL AVENUE ALIGNMENT BETWEEN N. WILLOW AND N. CHESTNUT AVENUES

1. RESOLUTION NO. 2006-42 - ADOPTING FINDINGS REGARDING THE SCCC AND CUSD EIRs PURSUANT TO CEQA

GUIDELINES FOR ADOPTION OF THE PLAN AMENDMENT AND REZONE APPLICATION
2. RESOLUTION NO. 2006-43 - AMENDING THE 2025 FRESNO GENERAL PLAN AND WOODWARD PARK COMMUNITY PLAN
3. BILL NO. B-11 - ORDINANCE NO. 2006-7 - AMENDING THE OFFICIAL ZONE MAP TO REZONE THE ENTIRE 214 ACRES OF THE SUBJECT PROPERTY FROM AL-20 TO R-1/UGM

President Duncan announced the time had arrived to consider the issue and opened the hearing. Councilmember Calhoun noted he was employed by Fresno City College and paid by the SCCC and advised was informed in the past he could participate, with City Attorney Montoy confirming her office concluded the nature of Councilmember Calhoun's salary did not constitute a conflict of interest.

Planning Manager Unruh reviewed the issue as contained in the staff report as submitted **(9 - 0)** and recommended approval, and at the request of President Duncan explained why these matters were before Council even though the buildings were already being constructed and their legal right to commence construction.

Speaking further to, and in support of, the project and/or to the benefits and what the project would provide for were: Scott O'Dell, Planning Consultant for the CUSD and SCCC, Doug Brinkly, Vice Chancellor of the SCCC, and Bill McGuire, Clovis Unified Associate Superintendent of Administrative Services.

Upon call, no one else wished to be heard and President Duncan closed the hearing.

147-31 **1/24/06**

At the request of President Duncan, Planning and Development Director Yovino explained why a general plan amendment was being requested even though facilities were already being built and why it was important that these matters be approved. A motion and second was made to approve staff's recommendation.

City Attorney Montoy, Jeff Bryans of Blair Church & Flynn, project representatives, and Mr. Yovino responded to questions and/or comments of Councilmembers Westerlund, Boyajian, Calhoun and Perea relative to what the ramifications would be if the EIRs were rejected, if the applicants' governing bodies could go to LAFCO on their own, traffic/cumulative impact and concerns on the SCCC side, the traffic study and findings, if there was a change in number of average daily trips, mitigation measures and fees, impacts of the Copper River project not looked at, concern with the 45 traffic issues in the EIR and if they would be mitigated, what street improvements would be made, the developers not paying as much as they should and concern with what the City will have to pay, the southeast campus and hope that this "after the fact" situation does not happen again, and who to contact to get an update on the southeast campus.

On motion of President Duncan, seconded by Councilmember Dages, duly carried, **RESOLVED**, the above entitled Resolution Nos. 2006-42 and 2006-43 hereby adopted, and the above entitled Bill No. B-11 rezoning the site adopted as Ordinance No. 2006-7, by the following vote:

Ayes : Calhoun, Dages, Perea, Sterling, Westerlund, Duncan
Noes : Boyajian
Absent : None

ADJOURNMENT

There being no further business to bring before the City Council, the hour of 6:21 p.m. having arrived and hearing no objections, President Duncan declared the meeting adjourned.

Approved on the 31st day of January, 2006.

/s/ ATTEST: /s/
Jerry Duncan, Council President Yolanda Salazar, Assistant City Clerk

147-32

1/24/06